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EXAMINER

MATTIS, JASON E

ART UNIT	PAPER NUMBER
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2665

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/744,750

Applicant(s)

SUONVIERI, JUKKA

Examiner

Jason E Mattis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 7,8,12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3.5</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Objections***

1. Claims 9 and 11 are objected to because of the following informalities:

Claims 4-13 are objected to because they contain item number corresponding to the Figures in the application. It is recommended that the item number be removed from the claims.

Line 19 of claim 2 states "the radio path". There is no prior mention of "a radio path" in claim 2 or in claim 1, which claim 11 depends on. It is recommended that "the radio path" be changed to "a radio path"

Line 3 of claim 9 states "the peripheral device". There is no prior mention of "a peripheral device" in claim 9. It is recommended that "the peripheral device" be changed to "a peripheral device".

Line 18 of claim 11 states "the management system". There is no prior mention of "a management system" in claim 11 or in claims 9 and 10, which claim 11 depends on. It is recommended that "the management system" be changed to "a management system".

Appropriate correction is required.

2. Claims 7-8 and 12-13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple

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dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhodes et al. (U.S. Pat. 5909437).

**With respect to claim 1**, Rhodes et al. discloses a method of controlling a peripheral device in a communication system **(See the abstract of Rhodes et al. for reference to software being downloaded from a central station of a wireless communication system to a remote subscriber station for configuring the remote subscribers station to permit wireless communication of user telecommunications equipment, peripheral devices, at the remote subscriber station)**. Rhodes et al. also discloses network elements and subscriber stations in data communication with each other **(See column 7 lines 17-26 and Figure 1 of Rhodes et al. for reference to a central terminals 10, network elements, and subscriber terminals 20, subscriber stations, in communication with each other using microwave links)**. Rhodes et al. further discloses a subscriber station management system supervising and controlling the operation of the subscriber stations by control

signals (See column 8 lines 20-30, column 25 lines 58-62, and Figure 3 of Rhodes et al. for reference to a personal computer being provided as a site controller 56 supporting the central terminal and for reference to software, control signals, that originate from the site controller 56 being downloaded from the central terminal 10 to the subscriber unit 20, where the software is executed to control the subscriber station 20). Rhodes et al. also discloses that the peripheral device is connected to the subscriber station (See column 7 lines 38-56 and Figures 2A and 2B of Rhodes et al. for reference to telephones 34, facsimile machines 36, and computers 38, which are peripheral devices, being connected to the subscriber station 20 through network terminal unit 32). Rhodes et al. further discloses arranging control means to the subscriber station for controlling a supervising the peripheral device (See column 7 lines 38-56 and Figures 2A and 2B of Rhodes et al. for reference to network terminal unit 32 of subscriber unit 20 connecting to peripheral devices and controlling the operation of the peripheral devices so that the devices may communicate with the network). Rhodes et al. also discloses controlling the peripheral device by means of the subscriber station management system by transmitting control signals from the subscriber station management system to the control means of the subscriber station (See column 25 lines 58-62 of Rhodes et al. for reference to software that originates from the site controller 56 being downloaded from the central terminal 10 to the subscriber unit 20, where the software is executed to control the subscriber station). Rhodes further discloses that in response to the control signals, the control means control and supervise the

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operation of the peripheral device (**See column 7 lines 38-56, column 16 lines 60-67, and Figures 2A and 2B of Rhodes et al. for reference to the subscriber unit 20 connecting to peripheral devices and controlling the operation based on software, or active code, which has been downloaded and is store in the peripheral devices).**

**With respect to claim 2, Rhodes et al. discloses that the system is a radio system (See column 7 lines 17-26 and Figure 1 of Rhodes et al. for reference to a central terminals 10, network elements, and subscriber terminals 20, subscriber stations, in communication with each other using microwave links, which is a type of radio wave communication). Rhodes et al. also discloses that the network elements consist of base stations (See column 7 lines 17-26 and Figure 1 of Rhodes et al. for reference to central terminals 10, which act as wireless base stations in the communication system). Rhodes et al. further discloses that the control signals are transmitted from the subscriber station management system using a radio path (See column 25 lines 58-62 of Rhodes et al. for reference to downloading software, control signals, from central terminals 10 to subscriber terminals 20 using the radio connection between the central terminals 10 and the subscriber terminals 20).**

**With respect to claim 3, Rhodes et al. discloses that the control means arranged to the subscriber station comprises at least a memory and processing means (See column 16 lines 49-59 and Figure 15 of Rhodes et al. for reference to the communications controller of the subscriber terminals 20 including flash**

**memories 310 and 312 and a digital signal processor 258).** Rhodes et al. also discloses storing a control program in the memory of the subscriber station to control the peripheral device **(See column 16 lines 60-67 and Figure 15 of Rhodes et al. for reference to the subscriber terminal, which controls the communications of peripheral devices attached to it, storing code to control the peripheral devices in the flash memories 310 and 312).** Rhodes et al. further discloses adapting the processing means to control the peripheral device on the basis of the control program stored in the memory and the controls signals transmitted by the subscriber station management system **(See column 16 line 60 to column 17 line 5 of Rhodes et al. for reference to storing a downloaded program, control signals, in one of the flash memories 310 and 312 and storing another program in the other flash memory and for reference to choosing which program to use to control the peripheral devices of the system).**

**With respect to claim 4,** Rhodes et al. discloses a communications system **(See Figure 1 of Rhodes et al. for reference to a communications system).** Rhodes et al. also discloses subscriber stations comprising means for transmitting and receiving telecommunications signals and network element in data transmission connection with the subscriber stations **(See column 7 lines 17-26 and Figure 1 of Rhodes et al. for reference to a central terminals 10, network elements, and subscriber terminals 20, subscriber stations, in communication with each other using microwave links, meaning the subscriber terminals have a mean for transmitting and receiving signals over the microwave links).** Rhodes et al. further discloses a subscriber

station management system comprising a means controlling and supervising the operation of the subscriber stations by means of the network elements (**See column 8 lines 20-30, column 25 lines 58-62, and Figure 3 of Rhodes et al. for reference to a personal computer being provided as a site controller 56 supporting the central terminal and for reference to software, control signals, that originate from the site controller 56 being downloaded from the central terminal 10 to the subscriber unit 20, where the software is executed to control the subscriber station 20).** Rhodes et al. also discloses at least one subscriber station to which a peripheral device is connected (**See column 7 lines 38-56 and Figures 2A and 2B of Rhodes et al. for reference to telephones 34, facsimile machines 36, and computers 38, which are peripheral devices, being connected to the subscriber terminal 20 through network terminal unit 32).**

**With respect to claim 5, Rhodes et al. discloses that the communication system is a radio system (See column 7 lines 17-26 and Figure 1 of Rhodes et al. for reference to a central terminals 10, network elements, and subscriber terminals 20, subscriber stations, in communication with each other using microwave links, which is a type of radio wave communication).** Rhodes et al. also discloses that the network elements consist of base stations that are in data transmission connection with the subscriber stations via radio signals (**See column 7 lines 17-26 and Figure 1 of Rhodes et al. for reference to central terminals 10, which act as wireless base stations in the communication system, in communications with the subscriber terminals 20 via microwave links, which are radio signals).** Rhodes et al. further



discloses that the control signals are transmitted from the subscriber station management system using a radio path (**See column 25 lines 58-62 of Rhodes et al. for reference to downloading software, control signals, from central terminals 10 to subscriber terminals 20 using the radio connection between the central terminals 10 and the subscriber terminals 20).**

**With respect to claim 9,** Rhodes et al. discloses a subscriber station in a communications system (**See column 6 line 66 to column 7 line 10 and Figure 1 of Rhodes et al. for reference to a subscriber terminals 20 in a communications system).** Rhodes et al. also discloses the subscriber station having a means for transmitting and receiving communications signals in order to set up a data transmission connection to the other parts of the system (**See column 7 lines 17-26 and Figure 1 of Rhodes et al. for reference to a central terminals 10 and subscriber terminals 20, in communication with each other using microwave links, meaning that there is a means for transmitting signals to set up data transmission between the subscriber terminal and other part of the network).** Rhodes et al. further discloses a means for controlling the operation of the subscriber station in response to received control signals (**See column 25 lines 58-62 of Rhodes et al. for reference to software, control signals, being downloaded to the subscriber unit 20, where the software is executed to control the subscriber station).** Rhodes et al. further discloses the subscriber station transmitting data on the state of the subscriber station to other parts of the system (**See column 3 lines 12-16 of Rhodes et al. for reference to the subscriber terminal sending response**

**messages, state messages, to the central station, which is another part of the network).** Rhodes et al. also discloses a connecting means for connection a peripheral device to the subscriber station **(See column 7 lines 38-56 and Figures 2A and 2B of Rhodes et al. for reference to telephones 34, facsimile machines 36, and computers 38, which are peripheral devices, being connected to the subscriber station 20 through network terminal unit 32).** Rhodes et al. further discloses the subscriber station comprising a control means responsive to the received control signals to control and supervise the operation of the peripheral device connected to the subscriber station in response to control signals **(See column 8 lines 20-30, column 25 lines 58-62, and Figure 3 of Rhodes et al. for reference to a personal computer being provided as a site controller 56 supporting the central terminal and for reference to software, control signals, that originate from the site controller 56 being downloaded from the central terminal 10 to the subscriber unit 20, where the software is executed to control the subscriber station 20, which in turn uses the software to control the communications of the peripheral devices).**

**With respect to claim 10,** Rhodes et al. discloses that the subscriber station is a subscriber station in a radio system **(See column 7 lines 17-26 and Figure 1 of Rhodes et al. for reference to a central terminals 10, network elements, and subscriber terminals 20, subscriber stations, in communication with each other using microwave links, which is a type of radio wave communication).** Rhodes et al. also discloses a means for receiving the control signals via the radio path **(See column 25 lines 58-62 of Rhodes et al. for reference to downloading software,**

**control signals, from central terminals 10 to subscriber terminals 20 using the radio connection between the central terminals 10 and the subscriber terminals 20).** Rhodes et al. further discloses transmitting data on the state of the subscriber station to the other parts of the system via the radio path (**See column 3 lines 12-16 of Rhodes et al. for reference to the subscriber terminal sending response messages, state messages, to the central station via a radio link).**

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes et al. in view of Archambaud et al. (U.S. Pat. 6304560).

**With respect to claims 6 and 11,** Rhodes et al. does not disclose that the subscriber station, subscriber station management system, and other elements of the communications system are parts of a wireless local loop communications system, transmitting data and control signals wirelessly between the system elements.

Archambaud et al., in the field of communications, discloses a wireless system that is a wireless local loop system with subscriber stations portable stations 18 and management systems located in wireless local loop base stations 17 (**See column 4**

**line 15 to column 5 line 8 and Figures 2 and 3 of Archambaud et al. for reference to the wireless local loop communication system).** Using a wireless local loop system has the advantage of allowing the remote programming system to be implemented in a specific wireless local loop system instead of only in a general wireless communication system.

It would have been obvious to one of ordinary skill in the art at the time of the invention, when presented with the work of Archambaud et al., to combine the used of a wireless local loop communication system, as suggested by Archambaud et al., with the system and method of Rhodes et al., with the motivation being to allow remote programming system to be implemented in a specific wireless local loop system instead of only in a general wireless communication system.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seazholtz et al. (U.S. Pat. 6128489) discloses a wireless communication system where subscriber stations are remotely programmed using a remote programming host. Laham et al. (U.S. Pat. 6442372) discloses another wireless communication system where remote units are controlled by a central communication center.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E Mattis whose telephone number is (703) 305-8702. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jem



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